



Merit Systems Principles

Understanding and Applying Them



Agenda

- ◆ Merit Systems Principles
 - History
 - Overview
 - Why Are They Important?
 - How Are They Applied
- ◆ Prohibited Personnel Practices
 - Defined
 - What are they and how are they applied?
- ◆ Enforcement
- ◆ Summary



Merit Systems Principles

History

- ◆ Spoils System (1829 - 1883) - use of political patronage to gain government job
- ◆ Merit System Established - appointment & promotions based on job-related competence not political favoritism
 - Pendleton Act of 1883
 - Intergovernmental Personnel Act of 1970
 - Civil Service Reform Act of 1978



Merit Systems Principles

Overview

- ◆ Merit System is based on Public Expectation of Civil service
 - Effective, Efficient and Fair
 - Open to All
 - Free of Political Coercion
 - Staffed by Honest, Competent and Dedicated Employees



Merit Systems Principles

Overview

- ◆ Merit Principles Provide the . . .
 - Foundation of Federal Human Resources Management System
 - Core Values that Should Be Used In Every Human Resources Decision
 - Guidance on How Human Resources Should Be Managed
 - Expected Outcomes of Good Management
 - Basis for Holding Agencies/Individuals Accountable



Merit Systems Principles

Why Are They Important?

- ◆ Protect Employees and Public Interest
- ◆ Legal Requirement
 - Merit Systems Principles (5 USC 2301) - allows for range of behavior
 - Prohibited Personnel Practices (5 USC 2302) - makes Merit principles enforceable by identifying specific limits
- ◆ Accountability- Be able to answer for and explain your decisions and actions



Merit Systems Principles And How They Are Applied

- ◆ Recruit qualified individuals from all segments of society and select/advance on basis of merit after fair and open competition
 - Job Announcements
 - KSAOCs
 - Qualification Determination
 - Selection tied to job requirements



Merit Systems Principles And How They Are Applied

- ◆ Treat employees/applicants fairly and equitably without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition
- ◆ EEO policies
 - Non-discrimination/Non-Harassment Policy - treat others with respect
 - Key Value: Diversity



Merit Systems Principles And How They Are Applied

- ◆ Provide equal pay for equal work and reward excellent performance
 - Classification System
 - Recognition system focuses on contributions made to meeting mission needs



Merit Systems Principles And How They Are Applied

- ◆ Maintain high standards of integrity, conduct, and concern for the public interest
 - Standards of Conduct (5 CFR 2635)
 - Discipline - promotes the efficiency of the service
 - Key Values: Integrity & Honesty



Merit Systems Principles And How They Are Applied

- ◆ Manage employees efficiently and effectively
 - Ask:
 - Does it help the mission?
 - Does it do what it is suppose to do?
 - Is it legal?
 - Is it worth the cost?
 - Key Value: Quality



Merit Systems Principles And How They Are Applied

- ◆ Retain or separate employees on the basis of their performance
 - EPCS (GLPD 3430.1 & GLPG 3430.1)
 - Performance-Based Actions



Merit Systems Principles And How They Are Applied

- ◆ Educate and train employees when it will result in better organizational or individual performance
 - Training not a right or reward
 - Link between time and cost of training and results
 - Training used to help employees overcome performance deficiencies



Merit Systems Principles And How They Are Applied

- ◆ Protect employees from improper political influence
 - In place because of history
 - should not use official position to influence elections
 - protects from taking actions based on political favoritism
 - Hatch Act enforces this principle



Merit Systems Principles And How They Are Applied

- ◆ Protect employees against reprisal for the lawful disclosure of information in “whistleblower” situations (protects people who report things like illegal and/or wasteful activities)
- ◆ Whistleblowers Protection Act



Prohibited Personnel Practices Defined

- ◆ Actions a Federal Employee with Personnel Authority May Not Take
- ◆ Personnel Authority - authority to take, direct others to take, recommend, or approve any personnel action
- ◆ Personnel Actions - appointments, promotions, discipline, movements, pay & benefit decisions, RTD, Psychological Testing, or other significant change in duties, responsibilities or working conditions

It is a Prohibited Personnel Practice To . . .



- ◆ Discriminate on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation
- ◆ Solicit or consider employment recommendations based on factors other than personal knowledge or records of job related abilities or characteristics

It is a Prohibited Personnel Practice To . . .



- ◆ Coerce an employee's political activity
- ◆ Deceive or willfully obstruct a person's right to compete for employment
- ◆ Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person

It is a Prohibited Personnel Practice To . . .



- ◆ Give unauthorized preference or advantage to any person to improve or injure the employment prospects of any particular employee or applicant
- ◆ Employ or promote a relative
- ◆ Retaliate against a whistleblower, whether an employee or applicant

It is a Prohibited Personnel Practice To . . .



- ◆ Retaliate against employees or applicants who exercise their appeal rights, testify or cooperate with an Inspector General or the Special Counsel or refuse to break a law
- ◆ Discriminate based on personal conduct which is not adverse to on-the-job performance of the employee, applicant, or others

It is a Prohibited Personnel Practice To . . .



- ◆ Take or fail to take a personnel action in the violation of veterans' preference laws
- ◆ Violate any law, rule, or regulation which implements or directly concerns the merit principles (taking or failing to take an action in violation of the Merit Systems Principles)



Examples of Prohibited Personnel Practices

- ◆ Sexual Harassment
- ◆ Making a selection because of personal friendship, not job-related factors
- ◆ Inappropriately using an appointing authority to hire a specific person (i.e., one with political connections)
- ◆ Violating requirements of Classification System (i.e, misstating duties in P.D.)



Examples of Actions that are Not Prohibited Personnel Practices

- ◆ Considering the capabilities and performance of applicants for a position based on your knowledge of their skills and abilities
- ◆ Using reassignment or transfer to place an individual in a position instead of announcing a vacancy to provide opportunities to others
- ◆ Selecting an applicant that does not have the highest ranking panel score

Enforcement of Prohibited Practices and Merit Principles



- ◆ General Accounting Office - reports annually on MSPB and if actions of OPM are in accordance with merit principles and void of prohibited personnel practices
- ◆ Equal Employment Opportunity Commission (EEOC) - handles matters involving discrimination
- ◆ Office of Personnel Management (OPM) - enforces laws, prepares regulations and conducts oversight of delegations for compliance with merit principles

Enforcement of Prohibited Practices and Merit Principles



- ◆ Office of Special Counsel (OSC) - investigates allegations of PPP and prosecutes to MSPB
- ◆ Merit Systems Protection Board (MSPB)
 - hears complaints brought by OSC regarding PPPs & complaints from employees & decides if PPP occurred
 - report on actions of OPM are in accordance with merit principles
- ◆ Glenn Research Center - Agencies are responsible for taking appropriate corrective action to ensure merit principles are followed

Enforcement of Prohibited Practices and Merit Principles



- ◆ Employees who violate prohibited personnel practices may be
 - removed
 - reduced in grade
 - debarred from Federal employment
 - suspended
 - reprimanded
 - fined up to \$1000



Summary

- ◆ Merit Systems Principles identify basic guidelines under which the Federal Personnel System is based (what can be done)
- ◆ Prohibited Personnel Practices identify what actions cannot be taken



Summary

- ◆ Anyone with personnel authority to take a personnel action is responsible for ensuring their actions are in accordance with Merit Principles and do not violate Prohibited Personnel Practices
- ◆ Violations of Prohibited Personnel Practices can result in severe penalties



More Information

- ◆ Contact in OHR: Lori Pietravoia,
Employee Relations Officer, 3-2506
- ◆ Web Sites
 - OHR Site
<http://www.grc.nasa.gov/WWW/OHR/>
 - NASA SMART Site
<http://hro.jsc.nasa.gov/smart/>
 - Office of Special Counsel Site
<http://www.osc.gov/>